

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GW Grundbesitz AG,

Plaintiff

v.

Lezlie Gunn,

Defendant

Case No. 2:21-cv-02074-CDS-NJK

**Order Denying Defendant's Motion to
Strike and Denying as Moot Plaintiff's
Request for Judicial Notice**

[ECF Nos. 114, 117]

On July 9, 2025, I issued an order rejecting the parties' proposed joint pretrial order, which also required the parties to file supplemental briefing on two related issues: whether Gunn is entitled to a jury trial and, if so, whether it would be limited to punitive damages or would also include compensatory damages. Order, ECF No. 111. The parties complied with my order. *See* Def.'s suppl. br., ECF No. 112; Pl.'s suppl. br., ECF No. 113. Defendant Lezlie Gunn now moves to strike the declaration of Dr. Pickenpack, that was affixed to plaintiff GW Grundbesitz AG's supplemental brief, arguing that it should be stricken because she was not disclosed as a witness in this action. *See* Mot., ECF No. 114. GW Grundbesitz opposes the motion to strike. Opp'n, ECF No. 116. Also pending before the court is GW Grundbesitz's request that I take judicial notice of several exhibits. Req., ECF No. 117.

Gunn's motion to strike is denied. The Pickenpack declaration is unhelpful to the court resolving the questions of whether there should be a bench or jury trial on the issue of damages and if the trial should be limited to punitive damages, or inclusive of compensatory ones. Therefore, the declaration will not be considered for purposes of resolving those issues.¹ To the extent that Gunn challenges Dr. Pickenpack as a witness in the yet-to-be scheduled trial, that request is improperly included in this motion to strike. And because GW Grundbesitz's request

¹ Because the court needed to resolve these issues first, the court did not seek supplemental briefing on what amount of compensatory damages should be entered.

1 for judicial notice is related to the motion to strike, that request is denied as moot. The court
2 will issue a separate order addressing the trial issues in the normal course.

3 IT IS THEREFORE ORDERED that Gunn's motion to strike [ECF No. 114] is DENIED.

4 IT IS FURTHER ORDERED that GW Grundbesitz's request for judicial notice [ECF
5 No. 117] is DENIED as moot.

6 Dated: August 14, 2025

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9 Cristina D. Silva
10 United States District Judge
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